

109TH CONGRESS  
2D SESSION

# H. R. 6363

To provide for an additional requirements payment under the Help America Vote Act of 2002 to ensure that Puerto Rico is treated in the same manner as other States for purposes of determining the amount of the requirements payment made under such Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2006

Mr. FORTUÑO introduced the following bill; which was referred to the  
Committee on House Administration

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## A BILL

To provide for an additional requirements payment under the Help America Vote Act of 2002 to ensure that Puerto Rico is treated in the same manner as other States for purposes of determining the amount of the requirements payment made under such Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress finds as follows:

5               (1) The Help America Vote Act of 2002  
6       (HAVA) established a series of Federal requirements

1 for election administration and provided funding for  
2 States and territories to meet those requirements.

3 (2) The amount of funds provided to a State  
4 was determined under a formula which is based  
5 largely on the State's voting age population, with a  
6 base minimum amount. However, the base minimum  
7 amount for a State for a fiscal year was one-half of  
8 one percent of the total amount appropriated for the  
9 year, while the base minimum for amount for Puerto  
10 Rico and the other territories was one-tenth of one  
11 percent of the total amount appropriated for the  
12 year.

13 (3) Of all the States and territories whose pay-  
14 ment under HAVA was the base minimum amount,  
15 only Puerto Rico received less than it would have re-  
16 ceived if the payment had been based on voting age  
17 population. Puerto Rico ranked 27th in voting age  
18 population in 2000 (2,716,509), but received less  
19 than any State and received the same amount as  
20 American Samoa (whose voting age population was  
21 31,753), Guam (99,951), and the United States Vir-  
22 gin Islands (74,323).

23 (4) 24 states and the District of Columbia had  
24 smaller voting age populations than Puerto Rico but

1 received more HAVA funding to meet the new Fed-  
2 eral requirements.

3 (5) The costs which a State incurs in meeting  
4 HAVA's requirements are driven largely by the size  
5 of its electorate.

6 (6) Because the amount provided to Puerto  
7 Rico under HAVA was not based upon the size of  
8 its electorate, HAVA failed to provide Puerto Rico  
9 with an amount which reflected the costs of com-  
10 plying with the Act's requirements.

11 **SEC. 2. REQUIREMENTS PAYMENT FOR PUERTO RICO FOR**  
12 **ELECTION ASSISTANCE.**

13 (a) PAYMENT.—Not later than December 31, 2007,  
14 the Election Assistance Commission shall make a require-  
15 ments payment under subtitle D of title II of the Help  
16 America Vote Act of 2002 (42 U.S.C. 15401 et seq.) to  
17 the State Election Commission of Puerto Rico.

18 (b) USE OF PAYMENT.—The use of the payment  
19 made under subsection (a) shall be subject to the same  
20 terms and conditions as the use of a payment made under  
21 section 251 of the Help America Vote Act of 2002.

22 (c) AMOUNT OF PAYMENT.—The amount of the pay-  
23 ment made under subsection (a) shall be equal to the dif-  
24 ference between—

1           (1) the aggregate amount of requirements pay-  
 2           ments made to Puerto Rico under subtitle D of title  
 3           II of the Help America Vote Act of 2002 prior to  
 4           the enactment of this Act; and

5           (2) the aggregate amount of requirements pay-  
 6           ments which would have been made to Puerto Rico  
 7           under such subtitle prior to the enactment of this  
 8           Act if Puerto Rico had been treated in the same  
 9           manner as each of the several States and the Dis-  
 10          trict of Columbia.

11 **SEC. 3. REVISION OF FORMULA FOR DETERMINING MIN-**  
 12 **IMUM AMOUNT OF REQUIREMENTS PAY-**  
 13 **MENTS TO PUERTO RICO.**

14          Section 252(c) of the Help America Vote Act of 2002  
 15 (42 U.S.C. 15402(c)) is amended—

16           (1) in paragraph (1), by striking “several  
 17           States or the District of Columbia,” and inserting  
 18           “several States, the District of Columbia, or the  
 19           Commonwealth of Puerto Rico,”; and

20           (2) in paragraph (2), by striking “the Common-  
 21           wealth of Puerto Rico,”.

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